

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 284 - HB 347**

February 19, 2017

**SUMMARY OF BILL:** Adds etizolam to the list of schedule I controlled substances.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$286,300/Incarceration\***

Assumptions:

- Etizolam is a thienodiazepine. Thienodiazepines are chemically related to benzodiazepines (e.g., Klonopin and Xanax), which are widely abused.
- While not on the Drug Enforcement Agency's drug schedule, etizolam had been scheduled in six states—Alabama, Arkansas, Florida, Mississippi, Virginia, and Georgia—as of March 2016.
- Tennessee Code Annotated § 39-17-406 lists the schedule I controlled substances in Tennessee. Tennessee's list of schedule I controlled substances is substantially similar to the federal schedule.
- Tennessee Code Annotated § 39-17-417 prohibits the manufacture, delivery, selling, or possession of a controlled substance. Manufacturing, delivering, selling, or possessing a schedule I controlled substance is a class B felony.
- It is assumed that the proposed legislation will result in three additional class B felony admissions each year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount does not apply because the proposed legislation creates a new offense.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2017 is \$68.75.
- Statistics from the DOC show the average time served for manufacturing, delivering, selling, or possessing a schedule I controlled substance is 3.80 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders serving 3.80 years (1,387.95 days) at a cost of \$95,422 (\$68.75 x 1,387.95 days) per offender. The total cost for three offenders is \$286,266 (\$95,422 x 3).

- The proposed legislation only creates three new felony cases each year. It is assumed that the courts, district attorneys, and public defenders can accommodate the impact to their caseloads within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm